

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated September 10, 2007. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-24 are currently pending in the Application. Claims 1, 8, 15, 20 and 23 are independent claims.

In the Office Action, claims 1-5, 7-13 and 19-21 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,751,392 (Zigmond) in view of U.S. Patent Publication No. 2001/0016942 (Harrison). Claims 6, 14, 16-18 and 22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zigmond in view of Harrison, in further view of U.S. Patent No. 6,018,768 (Ullman). Claim 23 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zigmond in view of Harrison and U.S. Patent Publication No. 2005/0015815 (Shoff). Claim 24 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zigmond in view of Harrison and Shoff in view of Ullman. It is respectfully submitted that claim 1-24 are allowable over Zigmond in view of Harrison alone and in any combination of Ullman and Shoff.

The Applicants will turn directly to Harrison since it is undisputed that "Zigmond is silent on formatting the processed, retrieved enhanced features to predetermined criteria to generate a content list." (See, Office Action, page 5, lines 3-4.)

Harrison shows a device that receives primary data and associated data and causes the associated data to be rendered on a separate hand held device (see, abstract). It is respectfully submitted that all that Harrison teaches is receiving the associated data either from a stream in which the primary data is received or from some other source, such as the Internet, and converting it into a form that may be utilized by the rest of the system (see, page 4, paragraph 45). The (emphasis added) "[c]ommunications manager 66 performs the function of a common network interface by receiving data from several different types of communication devices using different transmission protocols." (See, paragraph 46, lines 1-4.) "Communications manager 66 converts all data received, regardless of the source and protocol, into a standard format that can be utilized by the rest of the system." (See, paragraph 46, lines 7-9.) As made clear in Harrison, primary data is rendered and associated data is stored in

a local data storage 80 (see, FIG. 4 and page 5, paragraph 54, lines 13-15). The consumer may browse the data stored in the local storage that is selected by a "professional" third party (see, paragraph 54, lines 15-18). The consumer is provided an ability to sort and index the relevant information (see, paragraph 54, lines 28-30). Accordingly, all Harrison actually discloses or suggests is formatting associated data from different data sources, having potentially different communication protocols, into a standard format that may be used by the rest of the system. As made clear in Harrison, the "human interface is user friendly and will allow the consumer to browse through the associated data. This may start with a menu of available information from which the consumer could select just as if the data [including the menu] were coming from an online service." (See, paragraph 54, lines 21-26.)

Accordingly, Harrison, just like Zigmond now cited and frankly, Ullman previously cited, merely presents the associated data that is selected and shown in a form determined by a third party. All that Harrison provides is that since the associated data may come from different data sources potentially using different communication protocols, the associated data from the

data sources is formatted into a format that is suitable for the rest of the system.

Therefore, it is respectfully submitted that the method of Claim 1 is not anticipated or made obvious by the teachings of Zigmond in view of Harrison alone, and in further view of Ullman and Shoff. For example, Zigmond, Ullman, nor combinations thereof disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "(e) processing said retrieved, enhanced features without user intervention to generate feature descriptors; and (f) formatting said feature descriptors according to predetermined criteria to generate a content list" as required by Claim 1, and as substantially required by each of Claims 8, 15, 20 and 23. Ullman and Shoff are cited for allegedly showing other features of the claims yet does nothing to cure the deficiencies present in Zigmond in view of Harrison.

Harrison merely formats associated data that may be received utilizing different communication protocols, into a format that is suitable to be displayed by the system of Harrison (e.g., suitable for display on a display separate from the television utilized to display the primary content).

Based on the foregoing, the Applicants respectfully submit that independent Claims 1, 8, 15, 20 and 23 are patentable over Zigmond in view of Harrison alone and in further view of Ullman and Shoff and notice to this effect is earnestly solicited. Claims 2-7, 9-14, 16-19, 21, 22, 24 respectively depend from one of Claims 1, 8, 15, 20 and 23 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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